

# NOTICE OF FINAL RULEMAKING

## TITLE 4. PROFESSIONS AND OCCUPATIONS

### CHAPTER 30. BOARD OF TECHNICAL REGISTRATION

#### PREAMBLE

**1. Sections Affected**

**Rulemaking Action**

R4-30-304

Amend

Appendix A

Amend

Appendix B

New Appendix

**2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the implementing statute (specific):**

Authorizing statute: A.R.S. § 32-106(A)(1)

Implementing statute: A.R.S. § 32-125

**3. The effective date of the rules:**

Sixty (60) days after they are filed with the Secretary of State.

**4. A list of all previous notices appearing in the Register addressing the final rule:**

Vol. No.	Page No.	Issue Date	
13 A.A.R.	1532	April 27, 2007	Notice of Rulemaking Docket Opening
13 A.A.R.	2170	June 22, 2007	Notice of Rulemaking Docket Opening
13 A.A.R.	2139	June 22, 2007	Notice of Proposed Rulemaking

**5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Cassie Goodwin

Address: Arizona State Board of Technical Registration  
1110 W. Washington Street, Suite 240  
Phoenix, AZ 85007

Telephone: (602) 364-4947

Fax: (602) 364-4931

E-mail: cassie.goodwin@azbtr.gov

**6. An explanation of the rule, including the agency's reason for initiating the rule:**

The Board has determined that requiring professional registrants to write or type or electronically generate the date that

their current registration expires beneath their seal will assist registrants with renewing their registration in a timely fashion.

**7. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

None

**8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**9. The summary of the economic, small business, and consumer impact:**

There may be moderate economic impacts for those registrants who choose to purchase a new seal that complies with this rule change.

There are no significant economic impacts on other government agencies.

**10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):**

Minor formatting and grammatical changes were made at the request of GRRC staff.

**11. A summary of the comments made regarding the rule and the agency response to them:**

There were no comments made at the oral proceeding. During the course of the proposed amendment to this rule, the Board received several written comments expressing concern with the change. Most comments indicate the change is not necessary based on the Board's current methods of notifying registrants of pending expiration of their professional registration seal and concerns with confusion occurring with reviewing agencies and clients on the validity of the professional work after the expiration date has occurred. The Board currently notifies registrants of pending expiration of their professional seal by mailing a renewal form via US First Class Mail 60 to 45 days before expiration of their registration. Under the current system of renewal notification approximately five percent of registrants renew late and continue to practice during their delinquency period. The Board believes the current method of notification is sufficient, but that having the registrant indicate the expiration date when sealing documents will help to remind the registrant to maintain current registration. Concerns regarding confusion with reviewing agencies and clients on the validity of the professional work after the expiration date has occurred appear to be based on a lack of understanding of the requirements. The current practice does not require the expiration date to be included on the sealed documents. In the

past there has never been a concern raised regarding the validity of the professional document after the expiration of the registrant's seal. California requires the expiration date of the current registration be included in the seal and the California Board staff says there have been no significant problems caused by a belief that the plans expire with the seal.

There is no need for a registrant to purchase a new seal as the expiration date may simply be handwritten below the registrant's current seal. The time needed to hand write the expiration date is minimal. If the registrant is using a computer generated seal the date need only be changed once every three (3) years.

Finally, it is unlikely that a registrant would falsify the expiration date. It is one thing to forget to renew and another to falsify the information. The registrant would be placing his/her entire career on the line.

**12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

None

**13. Incorporations by reference and their location in the rules:**

None

**14. Was this rule previously made as an emergency rule?**

No

**15. The full text of the rules follows:**

### **ARTICLE 3. REGULATORY PROVISIONS**

#### **R4-30-304. Use of Seals**

##### **Appendix A. Sample Seals**

##### **Appendix B. ~~Repeated~~ Sample Expiration Date Notification**

### ARTICLE 3. REGULATORY PROVISIONS

#### R4-30-304. Use of Seals

- A. A registrant shall place a permanently legible imprint of the registrant's seal and signature on the following:
1. Each sheet of drawings or maps;
  2. Each of the master sheets when reproduced into a single set of finished drawings or maps;
  3. Either the cover, title, index, or table of contents page, or first sheet of each set of project specifications;
  4. Either the cover, index page, or first sheet of each addenda or change order to specifications;
  5. Either the cover, index page, or first sheet of bound details when prepared to supplement project drawings or maps;
  6. Either the cover, title, index, or table of contents page, or first sheet of any report, specification, or other professional document prepared by a registrant or the registrant's bona fide employee;
  7. The signature line of any letter or other professional document prepared by a registrant, or the registrant's bona fide employee; and
  8. Shop drawings that require professional services or work as described in the Act. Examples of shop drawings that do not require a seal include drawings that show only:
    - a. Sizing and dimensioning information for fabrication purposes;
    - b. Construction techniques or sequences;
    - c. Components with previous approvals or designed by the registrant of record; or
    - d. Modifications to existing installations that do not affect the original design parameters and do not require additional computations.
- B. A registrant shall apply a label that describes the name of the project and an original imprint of the registrant's seal and signature on all video cassettes that contain copies of professional documents.
- C. In the event that a copy of a professional document is provided to a client, regulatory body, or any other person for any reason by computer disk, tape, CD, or any other electronic form, and the document does not meet the requirements of subsection (D), the registrant shall mark the copy

of the professional document:

"Electronic copy of final document; sealed original document is with (identify the registrant's name and registration number)."

D. A registrant shall sign, date, and seal a professional document:

1. Before the document is submitted to a client, contractor, any regulatory or review body, or any other person, unless the document is marked "preliminary," "draft," or "not for construction" except when the document is work product intended for use by other members of a design team; and
2. In all cases, if the document is prepared for the purpose of dispute resolution, litigation, arbitration, or mediation.

E. For purposes of subsection (A), all original documents shall include:

1. An original seal imprint or a computer-generated seal that matches the seal on file at the Board's office;
2. An original signature that does not obscure either the registrant's printed name or registration number; ~~and~~
3. The date the document was sealed; and
4. A notation beneath the seal either written, typed, or electronically generated that provides the day, month, and year of expiration of current registration, as shown in Appendix B.

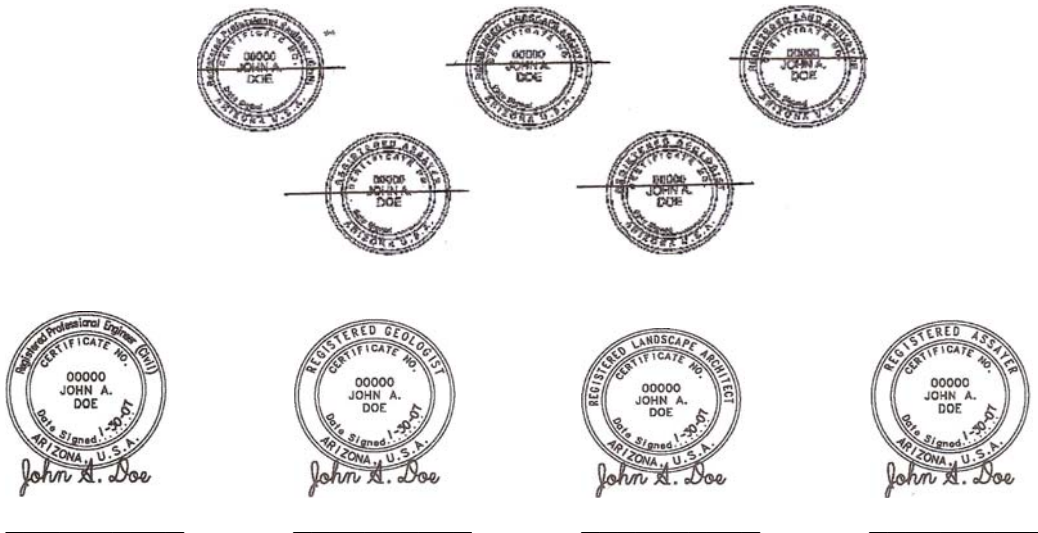
F. Methods of transferring a seal other than an original seal imprint or a computer-generated seal are not acceptable.

G. An electronic signature, as an option to a permanently legible signature, in accordance with A.R.S. Title 41 and Title 44, is acceptable for all professional documents. The registrant shall provide adequate security regarding the use of the seal and signature.

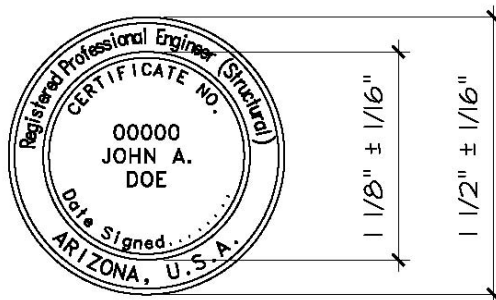
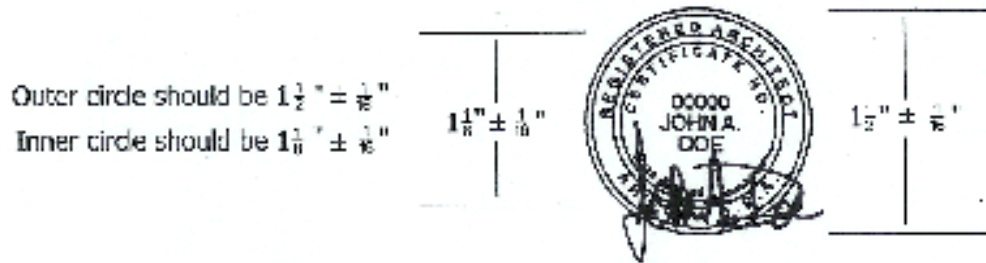
## Appendix A. Sample Seals

### SAMPLES:

Sign your name across lower portion of the seal. Do not cover your name or registration number with your signature.



\*\* ENGINEERS MUST LIST BRANCH - Agriculture, Architectural, Chemical, Civil, Control Systems, Electrical, Environmental, Fire Protection, Geological, Industrial, Mechanical, Mining, Metallurgical, Nuclear, Petroleum, Sanitary, or Structural.



Outer circle should be 1 1/2 inches +/- 1/16 inches  
Inner circle should be 1 1/8 inches +/- 1/16 inches

**Appendix B. ~~Repeated~~ Sample Expiration Date Notification**

**Samples:**

**Type or handwrite the day, month, and year of registration expiration directly below the seal, as shown:**

